

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                  |   |                             |
|----------------------------------|---|-----------------------------|
| <b>ALAN BROWN</b>                | ) |                             |
| <b>Plaintiff</b>                 | ) |                             |
|                                  | ) |                             |
| <b>v.</b>                        | ) |                             |
|                                  | ) | <b>C.A. No. 05-11178-NG</b> |
| <b>STATE STREET CORPORATION,</b> | ) |                             |
| <b>STATE and STREET GLOBAL</b>   | ) |                             |
| <b>ADVISORS,</b>                 | ) |                             |
| <b>Defendants</b>                | ) |                             |

**PLAINTIFFS' CERTIFICATION OF CONFERENCE PURSUANT  
TO LOCAL RULE 16.1(D)(3)**

Plaintiff's counsel hereby certifies that he has conferred with the plaintiff about establishing a budget for the costs of conducting the full course, and various alternative courses, of this litigation and to consider the resolution of this litigation through the use of alternative dispute resolution programs such as mediation, mini-trial and summary jury trial.

Plaintiff's counsel,

/s/ Harvey A. Schwartz

Harvey A. Schwartz

BBO # 448080

Laurie A. Frankl

BBO # 647181

Rodgers, Powers and Schwartz, LLP

18 Tremont Street, Suite 500

Boston, MA 02108

617-742-7010